

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KRISTI L. BUCZYNSKI,

Plaintiff,

Case No. 16-cv-11751

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

SOCIAL SECURITY, COMMISSIONER OF,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE
DECISION OF THE COMMISSIONER**

On July 8, 2013, Plaintiff Kristi Buczynski applied for disability insurance benefits under the Social Security Act. In proceedings before the Social Security Administration, the Administrative Law Judge found that Buczynski was not disabled. The Appeals Counsel denied review. Buczynski filed a complaint seeking judicial review of the Commissioner's final decision on May 17, 2016. ECF No. 1. The case was referred to Magistrate Judge R. Steven Whalen. ECF No. 3. Both parties subsequently filed motions for summary judgment. ECF Nos. 15, 21. On June 15, 2017, Judge Whalen issued a report recommending that the Commissioner's motion for summary judgment be granted and Buczynski's motion for summary judgment be denied. ECF No. 25. Specifically, Judge Whalen found that the ALJ's residual functional capacity assessment was supported by substantial evidence and adequately analyzed the opinion of Buczynski's treating physician.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report,

neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 25, is **ADOPTED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 21, is **GRANTED**.

It is further **ORDERED** that Plaintiff Buczynski's motion for summary judgment, ECF No. 15, is **DENIED**.

It is further **ORDERED** that the Commissioner of Social Security's decision is **AFFIRMED**.

Dated: July 6, 2017

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 6, 2017.

s/Kelly Winslow
KELLY WINSLOW, Case Manager